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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,191

06/25/2004

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

07/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,191	Applicant(s) SANO, MASAHIRO	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/6/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 3-6 and 7/2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 16, no antecedent has been established for "the one of the protruding portions".

In claim 7/2, it is still not clear which of the joined portions is being referenced, that of claim 1 or that of claim 2.

3. Claims 1, 2, 7-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-67209 to Wakamatsu (newly cited).

As to claim 1, JP '209 discloses a tire including a sidewall having a serrated decorative portion and protruding portions protruding higher than the serrations (note esp. fig. 5 that has protruding letters and adjacent serrations). Further, protruding portions adjoin serrated portions at a joined portion that has bottoms higher than a root groove line defined by bottoms of serrations - note esp. for example in fig. 5 that letter "D" has the bottoms of its joined portion higher than the root groove line defined by the serrations in letter "B" or "R" or "I". Claim 1 does not at present define over this. As to claim 2, successively higher decorative portions are also suggested in fig. 5. As to claim 7, at least one of the successively higher joined portions on the letters would satisfy this requirement.

As to claim 8, a protruding portion has a joined portion and high decorative portion with bottoms higher than a root groove line defined by another letter that has serrations defining a lower root groove line. As to claims 9 and 13, groups of letters are taught.

4. Claims 3, 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-67209 to Wakamatsu (newly cited).

As outlined letters including both flat and serrated internal portions are known alternatives (e.g. figs. 4 and 5 of JP '209), it would have been obvious to include a flat part in at least one letter designed as in fig. 5 if desired for only the expected results. The particular relative widths of claim 4 would have been readily and routinely selected by the artisan dictated by the effect desired and the thickness desired for the letters. As to claim 11, multiple letters are taught.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-67209 to Wakamatsu (newly cited) as applied above, and further in view of JP 2000-255224 (cited by applicant) and optionally Ratliff, Jr. (US 5,807,446).

These references are applied with respect to the newly applied JP '209 reference for the substantively the same reasons as set forth in the last office action.

6. Note: The 1/6/2009 IDS has been considered. It is noted however that a copy of the October 7, 2008 Japanese office action (referred to on page 2 of the 1/6/2009 IDS) was not received.

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

It is noted however that if claim 1 were amended as follows, this would define over JP '209:

In claim 1, line 3, insert “continuous” before “decorative.”

In claim 1, line 5, insert “continuous” before “decorative” and “which continue with each other” after “bottoms”.

Such amendments would distinguish the JP '209 disclosure where the bottoms of the joined portion to the same continuous decorative portion that defines the root groove line would not be higher. Analogous amendments to claim 3 would also distinguish JP '209.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1791

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
July 20, 2009